



**CONGRESSIONAL POWER:  
AN UNTAPPED RESERVOIR**

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The Pilgrims firmly believed that they were led to the New World by the Providence of God. Their writings abound with descriptions of the physical grandeur of America—her mighty rivers, her lofty mountain ranges, her fertile valleys, her wide plains, her vast forested regions, and her many natural harbors along the Atlantic Seaboard.

Here it was that a solid and strong Christian foundation was laid, and the basic principles of freedom revealed in the Holy Scriptures were to find expression. The political and economic superstructure which arose on that foundation made the United States of America the freest, richest, most powerful, and the most respected nation in the world. For decades freedom and responsibility went together, as did opportunity and challenge. The pioneer spirit grew in the hearts of the people, and spread rapidly, as the covered wagons started on their long and hard trek westward. This same climate of freedom and opportunity, this same sense of responsibility and challenge, made America the commercial and industrial marvel of the world.

The Statue of Liberty became a symbol of freedom and opportunity which drew immigrants from the nations of the world, swelling the four million population of 1790 to over 200 million today. Fourth of July celebrations and orations honored an America that was recognized around the world as a land of freedom and opportunity — where a poor boy could become rich by hard work, or even become President. Such was the uniform testimony of early history books.

Yet today America is beset by problems and controversies and antagonisms that have turned American against fellow American. What has happened to the peace and quiet, the law and order, that was once so general throughout America? These good qualities seem to have been crowded out by strife and turmoil, by lawlessness and disorder! In just one week during April of 1968, property losses due to riots totaled over forty-five million dollars! — which could not begin to compensate for the hardship caused by those riots. The number of serious crimes in the United States is rising almost by the hour. Even as crime increases, law enforcement agencies are more and more hampered by court interference, and by lack of public support. Physical violence no longer occurs, merely when some enraged person strikes out at a real or supposed enemy. Now unprovoked violence is common — against innocent people, and even against complete strangers. Drug use is no longer something to hide. It has become something to brag about openly, and to defend with sophisticated arguments which often originate with the so-called intellectuals. Radical clergymen and educators, who should be examples of law-abiding citizens, now brazenly advocate and support that contradiction called "civil disobedience" — a species of law-breaking that sets each rebel up as his own judge and jury. Vandalism in public schools destroys millions of dollars worth of property — paid for by tax money. Then misguided or timid school administrators try to shift the blame to society, or to the public, or to the police: to ANYONE but the vandals themselves. Pornography has become big business. It is no longer something to be read in dark alleys, but has found its way into theaters, magazines, and recordings. Corruption in high places used to produce banner headlines in every newspaper. Today, however, corruption in public and private life is so widespread that it has almost become commonplace, and causes few eyebrows to rise. From every direction the individual is being downgraded, and made to feel that he is part of a de-personalized mass. Society as a whole is diagnosed as sick — after which those truly guilty of crime, corruption or violence bear no responsibility for their own acts, either to God or to man.

To those who still believe in the dignity and importance of the individual—who sincerely search for solutions to the problems, conflicts and controversies of today—this film is humbly dedicated!



The United States of America is a Constitutional Republic. This Nation was brought into being in 1789, when "We, the People" ordained and established the newly ratified Constitution "for the United States of America." Legally and historically, the United States has a republican form of government: government by elected representatives, rather than government by the people directly.

The founders of this Constitutional Republic considered numerous forms of government during their deliberations. DEMOCRACY was one form of government which was examined. In studying its history and application, they realized that DEMOCRACY—direct participation in government by all of the people, was cumbersome and completely impractical. The founding fathers further realized that DEMOCRACY, pure majority rule—while sounding noble—can degenerate into the most brutal of all tyrannies—The many enforcing their will upon the few, without regard to the inherent rights that every individual possesses. DEMOCRACY in its degenerate form is graphically illustrated by the actions of an unrestrained lynch mob. Here the majority have agreed completely on what should be done—the only vote in opposition was cast by the victim! This potential danger of mob rule, inherent in DEMOCRACY, was rejected by the founding fathers, in favor of a Constitutional Republic.

The Constitution as "the supreme law of the land" has given America the most finely balanced governmental system ever devised by mortal man. Noted statesmen of other nations have openly acknowledged this to be true.

This Constitutional Republic provides for a separation of powers into legislative, executive and judicial branches of government. Congress is the legislative branch of the National Government, and is delegated the power to make laws based on the Constitution. The executive branch is headed by the President, whose chief responsibility is to administer the laws of Congress. The judicial branch consists of the Supreme Court, and such "inferior courts" as Congress ordains and establishes. The purpose of these courts is to adjudicate actual cases that arise under the Constitution, or laws based on the Constitution.

The Constitution provides numerous checks and balances within its framework, each branch against the other two, so that "We, the People" may be protected from tyrannical government. The only authority that each branch of government has is DELEGATED authority. This authority has been delegated by "We, the People" as the true source of political sovereignty. The Constitution is written in words that seventh or eighth grade students can easily understand. Yet few adults have taken the time to read this vital document since they ended their formal education. Therefore, they are unaware of the DOMINANT role which the Constitution gives to Congress.

In the words of one Federal Judge: "The Constitutional remedy for every ill flowing from Washington can be found in the Congress of the United States. . . Our recourse is in Congress, and we will not restore a free and independent American constitutional republic until the people elect Congressmen and Senators dedicated to that ideal".<sup>2</sup>

What about that Washington "ill" known as high taxes? The Constitution specifies that Congress can levy taxes — but for only three purposes: (1) to pay the debts of the United States; (2) to provide for the common defense; and (3) to provide for the general welfare. The "general welfare" clause of the Constitution is constantly being abused, because "general welfare" is now interpreted to mean MATERIAL welfare, rather than the well-being of the entire Nation. This current interpretation is, however, in DIRECT CONFLICT with the meaning intended by the Founding Fathers.

In THE FEDERALIST, James Madison and Alexander Hamilton both stated that the term "general welfare" was explained by the particular powers enumerated in Article I, Section 8, of the Constitution itself.<sup>3</sup>

There is no constitutional justification for using the tax payers' money to support one segment of the population at the expense of another segment of the population. There is no constitutional justi-

fication for using tax money to support foreign governments — and this, in reality, is all that "foreign aid" is! Nor is there any constitutional justification for special domestic subsidies. In fact, Alexander Hamilton, in Essay #17 of THE FEDERALIST, pointed out that "the supervision of agriculture" was among those things which should not be handled at the NATIONAL level.

If a business were to place people on the payroll, and then pay them for not working, this utter folly would soon bankrupt the business. Yet there are a multitude of cases where large acreage has been purchased at a low price, after which the new owner is paid a high price for NOT planting crops!<sup>4</sup> Who can make economic sense out of this, or find any justification in the Constitution for Congressional authority to spend the people's tax money in such a manner?

Congress can correct such unconstitutional activities, because the sanction for both foreign and domestic programs either originated with Congress, or with some department or agency established by Congress. The final Clause of Article I, Section 8, of the Constitution gives Congress power "To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, . . ."

The power to make laws also includes the power to rescind laws that are out of date, or laws that usurp local or State authority, or laws that should not have been passed in the first place. During recent years the Constitution has been ignored, by-passed and countermanded so often that Congress has passed MORE laws to check the many abuses that keep arising under PREVIOUS laws. This is a vicious circle that Congress CAN correct — whenever there is the will to do so!

The National Government's fiscal year begins on July 1st. Before this date, all of the Departments, Agencies and Commissions of the Government begin looking for operating funds for the fiscal year ahead. No matter how much money there may be in the United States Treasury, the Treasurer cannot release a single penny, unless and until Congress passes an appropriation bill — which must ORIGINATE in the House of Representatives. How can Congress blame the President, or anyone else, when Congress alone holds the purse strings of the Nation? All that Congress has to do is to say, NO! to any request for funds — and the matter is ended! NO government can produce wealth. Government can only use its police power to take by force the wealth which the people have produced by their OWN work and skill, and then RE-DISTRIBUTE that wealth to pay the high cost of its own never-ending programs.

The debt created by the National Government clearly reveals the steady growth of "big government." At the beginning of the New Deal, the public debt was 22.5 billion dollars. From 1933 on, there has been an alarming increase of socialist-type economic policies, based on DEBT, not credit. The result is an estimated public debt of more than 363 billions — BILLIONS — of dollars through fiscal year 1969.<sup>5</sup> How can the working man and his family ever hope to understand 363 billion dollars? Simple arithmetic will, however, reduce this staggering amount to a personal debt of some \$1,800.00 for every member of every family throughout the entire United States. This is not "government money" that the President is requesting in the National Budget, and the Congress will be asked to appropriate. This is the people's money.

The sprawling and rapidly growing bureaucracy which has fastened itself around the Executive branch of the Government accounts for an overly high percentage of the national debt. Here, too, Congress can CORRECT this economic blight. The Constitution gives Congress power to CONTROL this bureaucracy. The authority is found in Clause 18, Section 8, of Article I — "To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, OR IN ANY DEPARTMENT OR OFFICER THEREOF." "Any Department or Officer thereof." This is all the authority that Congress needs to trim, limit, or even

eliminate departments and offices which are not in keeping with the letter and the spirit of the Constitution. "We, the People" must elect the kind of Senators and Representatives who will take this bold step. Unless this be done, the bureaucracy will continue to grow, out of all proportion to the growth of the population.

The President of the United States is the Commander-in-Chief of the land, air and naval forces of the Nation. Here, again, it is CONGRESS who holds the DOMINANT place of power. Clause 14, Section 8, of Article I of the Constitution gives Congress power "To make Rules for the Government and Regulation of the land and naval Forces;" This is simple logic. The armed forces of the Nation come from among the people of the several States. Who but the elected representatives of the people and the States should hold this awesome power over the lives of America's youth? This means that the President, as Commander-in-Chief, is to command the armed forces according to the rules and regulations, that is, basic Military Law established by Congress.

Korea and Vietnam are recent examples which show how Congress has delegated authority to the President, who then permits the various branches of the Executive Department of the National Government to substitute political folly for military science! Congress ALREADY possesses all the power that is needed, to enable America to win any war she enters, or to stay out of any war where she does not belong. Yet Congress is not using this Constitutional power. How many thousands of American youth must die, how many more billions of dollars must be spent, before "We, the People" demand that Congress use this authority that has been granted in the Constitution?

The Constitution authorizes the President to make nominations to appointive offices of the National Government. Article II, Section 2, Clause 2, specifies these offices to be: "Ambassadors, other public Ministers and Consuls, Judges of the Supreme Court, and all other Officers of the United States, whose Appointments are not herein otherwise provided for," The Constitution requires, however, that the President may do so only "by and with the Advice and Consent of the Senate," Where there is a question of loyalty, or qualification for office, no such nomination would ever become an appointment — if the Senate were to exercise its responsibility by withholding "advice and consent."

"We, the People" likewise have power—power to elect Senators who will, with faithfulness and courage, carry out this Constitutional duty in the matter of Presidential nominations.

The President also conducts the foreign affairs of the Nation. In his capacity as Chief Executive, he can negotiate treaties with foreign nations. All such treaties must, however, have the "advice and consent" of two-thirds of the Senators present, when a given treaty is considered for ratification. The importance of this treaty power is readily seen, when we examine Clause 2, of Article VI, of the Constitution. "This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding."

This provision of the Constitution makes treaties a part of "the supreme law of the land." Therefore, it is only those who play fast and loose with America's history and heritage, as well as the Constitution itself, who try to pretend that a TREATY can become SUPERIOR to the United States Constitution! Since both the President, and the members of the Senate, take an oath of office that they will uphold the CONSTITUTION, they have no authority, no right, no privilege, to negotiate and ratify a treaty that CONTRAVENES the Constitution. Both logic and legality make this obvious!

American citizens should be able to expect that NO United States President would ever negotiate a treaty that leaches away national sovereignty, or gives a foreign power authority to intrude

into domestic affairs. Nevertheless, such treaties HAVE been drafted and submitted to the Senate for ratification. The Hay-Bunau-Varillo Treaty of 1903 gave the United States sovereign control over the Panama Canal Zone "in perpetuity." Yet three treaties have been drafted which will result in relinquishing control over the Panama Canal.

The American communist, John Reed, who witnessed the Russian Revolution in 1917, revealed that one of the slogans during those bloody days was "Internationalization of the Panama Canal!"<sup>6</sup> When the United Nations was organized in 1945, Alger Hiss as the UN's acting Secretary-General, advocated that the Panama Canal be internationalized.<sup>7</sup>

California Congressman, James B. Utt, has pointed out that "The Panama Canal Zone was bought and paid for by the United States, and is as much a part of the United States as is Alaska, which we purchased from Russia".<sup>8</sup>

This historic fact is vitally important because Article IV, Section 3, Clause 2, of the Constitution specifies: "The Congress shall have Power to dispose of and make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States; . . ." In reference to the Panama Canal treaties, the House of Representatives can block the implementation of any Panama Canal giveaway. The reason is simple. It is CONGRESS, that is, BOTH Houses, who have authority over ALL United States territory and property! Without agreement of the House of Representatives, the President and the Senate have NO CONSTITUTIONAL POWER to take any action that will affect United States property!

The President, as Chief Executive of the National Government, traditionally follows the example set by George Washington, of issuing executive orders as a means of carrying out his Constitutional duty to "take Care that the Laws be faithfully executed, . . ." This is a normal administrative device. The Federal Register Act of 1935 requires that all Executive Orders be published in the Federal Register. Any citizen can read these Executive Orders at any law library, or any official depository of government documents. Since the days of Franklin Delano Roosevelt, Presidential Executive Orders have been used to by-pass the legislative power of Congress.

The most dangerous of these Executive Orders were published in 1962, and total up to a COMPLETE DICTATORSHIP for the United States — with a take-over of everyone and everything outlined in close detail.<sup>9</sup> All that is needed to bring forth this dictatorship is the declaration of a NATIONAL EMERGENCY, the time and cause of which are determined by the President!<sup>10</sup> CONGRESS must be the ultimate check on such arbitrary and unconstitutional use of executive power. Congress not only can, but has, rescinded various Executive Orders when they have had a legislative effect.

What is needed are Representatives and Senators who, by their own Constitutional authority, will retain the law-making power in their own hands, rather than yield that power to the President and the many Departments, Agencies, and Commissions of the Executive Branch.

Perhaps nothing so disturbs the American people as the recent conduct of the United States Supreme Court; for the Supreme Court, as well as the President, has definitely entered the field of legislation, by virtue of numerous Supreme Court decisions that have been given LEGISLATIVE status across the Nation. According to Article III, Section 2, Clause 2, of the Constitution, the Supreme Court possesses ORIGINAL jurisdiction ONLY in cases "affecting Ambassadors, other public Ministers and Consuls, and those in which a State shall be a Party," All OTHER cases reach the Supreme Court by appeal from a LOWER court. This is called "appellate jurisdiction."

Congress can, if they choose to do so, exercise virtually COMPLETE CONTROL over the appellate jurisdiction of the Supreme Court. The remaining part of Article III, Section 2, Clause 2, reads: "In all the other Cases before mentioned, the Supreme Court shall

have appellate Jurisdiction, both as to Law and Fact, with such Exceptions, and under such Regulations AS THE CONGRESS SHALL MAKE." Of all matters which are not part of the "original jurisdiction" of the Supreme Court, especially of matters not enumerated under the "judicial power" outlined in Article III of the Constitution Congress can say, "This is out of your jurisdiction!"

For an example of the official position taken by Supreme Court Justices in PREVIOUS generations, consider this ruling from the Francis Wright case, in the year 1882: "By the Constitution of the United States, the Supreme Court possesses no appellate power in any case unless conferred upon it by act of Congress . . . What those powers shall be, and to what extent they shall be exercised, are, and always have been, proper subjects OF LEGISLATIVE CONTROL."

In spite of the seriousness and the complexity of the problems America faces today, the sight of "Old Glory" still brings a THRILL, and a feeling of NATIONAL PRIDE, to the loyal American. An important lesson can be learned from this beautiful Flag. The American Flag is composed of three colors, separate and distinct, united together in a symmetrical pattern that gives form, unity, and strength to the Flag itself. The official interpretation of these colors, laid down by the Continental Congress in 1777, is this: "White signifies purity and innocence. Red: hardiness and valor. Blue: vigilance, perseverance and justice." And surely these were the characteristics that typified America during her Colonial and Revolutionary days!

Now ponder this question: What would be the reaction to the Stars and Stripes, if those three colors of red, white and blue were faded beyond recognition, or run together in a confused blur? Just as the Nation's Flag has three colors, so the National Government has three separate and distinct branches: legislative, executive, and judicial. There is likewise a unity and strength and form in the National Government which is inherent in the Constitution that brought the Federal Union into being in 1789.

For well over one hundred years the National Government, as well as our State, county and local governments, operated within the letter and the spirit of the Constitution. America grew, and prospered, and gained world-wide respect. Congressmen and Senators, generally speaking, represented the interests of the people and the States. Presidents administered the laws of Congress, and conducted foreign affairs from a solid base of national sovereignty. The Courts used the Constitution as their sole standard of judgment, and could reach general agreement on what the Constitution means.

This was the NORMAL outworking of the political philosophy that produced this wonderful Constitution; for "We, the People" had delegated various powers to the various branches of government, and had retained all other powers in the States or themselves. There can be a RETURN to this strength and stability — IF "We, the People" will do certain simple things.

First, study the Constitution, to learn afresh how the three branches of government are separated, and what powers have been delegated to each branch.

Next, elect Representatives and Senators who show promise of representing the people and the States within the limits of authority delegated in the Constitution. These public servants should not be ASKED — or PERMITTED — to do otherwise!

Most important of all, the people must REPEATEDLY remind all elected officials that they have bound their conscience by an OATH to uphold the Constitution as "the supreme law of the land."

There is no want of power. Just the opposite. There is a RESERVOIR OF UNTAPPED POWER which Congress has FAILED to use in recent years — power that can NOW be used to cure "every ill flowing from Washington." Whenever Congress assumes the DOMINANT role in the National Government that the Constitution has ordained and established, America will once again become proud and self-reliant. It is only "We, the People" who can bring this about. This has been done before. It CAN — and it MUST — be done AGAIN!



### **FOOTNOTES**

1. UPI, Washington, Santa Ana Register, April 12, 1968
2. Quoted in The Dan Smoot Report, August 21, 1961, pp. 265, 266.
3. Essay #41 and #83 of The Federalist.
4. "Valley Farmers Get Fat Checks for Fallow Land," Valley Star, Harlingen, Texas, August 3, 1968.
5. The Budget For Fiscal Year 1969, Table 19, p. 542.
6. Quoted in The Dan Smoot Report, January 27, 1964, p. 25.
7. Washington Report released by California Congressman James B. Utt, July 19, 1967.
8. Ibid.
9. Executive Orders; 10995, 10997, 10998, 10999, 11000, 11001, 11002, 11003, 11004, 11005. Federal Register, Feb. 20, 1962, pgs. 1519-1547.
10. Executive Order 11051, Federal Register, Oct. 2, 1962, pgs. 9683-9689.

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